

**STATEMENT OF FRAN KING BROWN (Division Head, Environmental Programs Division,  
Southern Ute Indian Tribe),**

**BEFORE THE UNITED STATES SENATE COMMITTEE ON INDIAN AFFAIRS**

**REGARDING S. 2065**

**JULY 18, 2002**

Mr. Chairman, Vice Chairman, Members of the Committee:

My name is Fran King Brown and I am honored to appear before you today to offer testimony in support of Senate Bill 2065.

As some of you know, the Southern Ute Indian Reservation is located in the northern portion of the San Juan Basin which is rich in natural gas production. Vast amounts of gas are produced on tribal and fee lands within the exterior boundaries of the Reservation. With the boom of coal-bed methane gas development in the late 1980s and early 90s, gas production has resulted in increases in production wells, treating facilities, pipelines, compressors, and unpaved roads. Those facilities are the primary sources of air pollution that are subject to regulation. Based on an emissions inventory prepared by the Tribe's Air Quality Program, particulate matter, carbon monoxide and nitrogen oxides were identified as the major pollutants generated by methane gas exploration and production. There are a total of approximately 100 sources of air pollution on the Reservation. Out of those 100 sources, approximately 30 meet the criteria for classification under the Clean Air Act as a "major source." Additional economic activities such as tourism as well as a growth in population and housing have also contributed to the overall generation of air pollutants.

While the Tribe is committed to develop its mineral resources, it also acknowledges a need to protect its natural environment and the health and welfare of its people. Protection of the Reservation environment has always been among the Tribe's major objectives. For almost twenty years, the Tribe has administered an air quality program and it has long been a goal of the Tribe to receive a delegation of authority from EPA to administer a comprehensive air quality control program on the Reservation.

As stated by Chairman Burch, Senate Bill 2065 is needed to implement and provide for enforcement of the air quality agreement between the Tribe and State of Colorado. That agreement has many benefits:

- The agreement eliminates confusion and provides certainty to would-be regulators (i.e., the State, Tribe and EPA) and also for those individuals who must comply with the Clean Air Act (i.e., sources of air pollution). The certainty created by the agreement will minimize duplicative efforts and expenditures of monetary and program resources by the Tribe and State.
- The agreement assures the protection of air quality on the Reservation through the development of a comprehensive air quality program applicable to all lands within the boundaries of the Reservation. It is agreed that the Reservation air program to be developed under the agreement should reflect the particular interests of the Tribe, yet remain compatible with State air quality goals.
- The agreement would guarantee local input in the setting and enforcement of air quality standards, subject to air quality requirements of the Clean Air Act.
- The cooperative approach represented by the agreement eliminates the risk of a protracted

and costly jurisdictional dispute, which dispute potentially would include the Tribe, State, EPA and regulated parties.

In conclusion, the Tribe is looking forward to working cooperatively with the State to ensure the protection of air quality and, hence, the health of tribal members as well as non-Indians on the Reservation. The Tribe and State need the support of Congress in order to move forward with their cooperative approach to the regulation of air pollution on the Reservation. As stated by Chairman Burch, the Tribe urges the Committee's amendment of the bill and then its prompt consideration and approval on the Senate floor.

Thank you for the Committee's time and attention. I would be happy to answer any questions.